



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 12, 1992

Mr. Michael H. Beeman
Records Management Officer
Ysleta Independent School District
9600 Sims Drive
El Paso, Texas 79925-7225

OR92-588

Dear Mr. Beeman:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 17223.

The Ysleta Independent School District (the "school district"), which you represent, has received a request for certain information relating to school district employees. Specifically, the requestor seeks:

A list of all non-teaching employees, their social security numbers, drivers license numbers, addresses, birthdays, and home phone numbers . . . [and] a list of all employees who transport students to and from school or on school related activities, as well as their social security numbers, addresses, birthdays, and home phone numbers.

You do not object to release of some of the requested information. You claim, however, that employee driver's license numbers are excepted from required public disclosure by section 3(a)(1) of the Open Records Act.¹

¹We note that you are required under section 3(a)(17) of the Open Records Act to withhold from required public disclosure the home addresses and home telephone numbers of employees and former employees of the school district who have indicated in writing pursuant to section 3A(a) of the Open Records Act that they do not want their home addresses and home telephone numbers publicly disclosed. You may not, however, solicit a response from the school district's employees under section 3A in response to a pending open records request. See Open Records Decision No. 530 (1989).

Section 3(a)(1) of the Open Records Act excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." We are unaware of any law that makes driver's license numbers confidential. Nor do we conclude that driver's license numbers meet the test for common-law privacy articulated in *Industrial Found. of the South v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). See V.T.C.S. art. 6687b, § 21(e) (driver's license information available to the public); see also V.T.C.S. art. 6687b § 2(j)(1) (the Department of Public Safety may provide a magnetic tape containing driver's license information). Accordingly, the driver's license numbers may not be withheld from required public disclosure under section 3(a)(1) of the Open Records Act and to the extent that they are now in your possession, they must be released.²

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-588.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GCK/lmm

Ref.: ID# 17223

cc: Mr. Pahl Shipley
News Director
Tri-State Media
801 North Oregon
El Paso, Texas 79902

²The Open Records Act, however, does not require a governmental body to obtain information not in its possession, Open Records Decision No. 558 (1990), or to comply with a standing request to provide information "on a periodic basis," Open Records Decision No. 465 (1987).